

Standard Operating Procedure for Writing PCA and PCI Reports

Created on behalf of the California State Water Resources
Control Board

August 2018

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Part I: Introduction

A. Purpose of the SOP

This document outlines the process for developing summary reports to accurately record findings from Pretreatment Compliance Audits (PCAs) and Pretreatment Compliance Inspections (PCIs). Summarizing the findings from a PCA or PCI provides effective feedback to the publicly owned treatment works (POTW) regarding the effectiveness of, and compliance with, its approved pretreatment program. Using the report template provided in this standard operating procedure (SOP) will allow the report writer to concisely summarize a POTW's program. The report template also provides regulatory citations applicable to each required component of the pretreatment program. This document does not cover procedures for auditing or inspecting a POTW's pretreatment program; detailed information on how to conduct a PCA or PCI can be found in EPA's 2010 Guidance titled *Control Authority Pretreatment Audit Checklist and Instructions*

[\[https://www3.epa.gov/npdes/pubs/final_pca_checklist_and_instructions_%20feb2010.pdf\]](https://www3.epa.gov/npdes/pubs/final_pca_checklist_and_instructions_%20feb2010.pdf).

This SOP includes a report template, an example PCA report, and procedures for completing the report template.

B. Overview of the Reporting Process

As noted in the *Control Authority Pretreatment Audit Checklist and Instructions*, PCA and PCI follow-up centers on preparing the report and identifying the actions necessary to ensure the POTW's program is effective and compliant. The auditor should analyze the data as quickly as possible and draft the report so that it can be transmitted to the Control Authority (POTW) in a timely manner. The auditor should also enter any Water Enforcement National Data Base (WENDB), Required ICIS Data Element (RIDE), and Reportable Non-Compliance (RNC) data, as appropriate, in the Integrated Compliance Information System (ICIS) database.

C. Contents of the SOP

Part II of this SOP describes how the report template is to be used. It provides instruction on completing specific sections of the report, as well including sample language. More detailed sample report language is provided in Part III (example PCA report) and Part IV (example PCI report) of this SOP.

Part II: Report Template & Instructions

Pretreatment Compliance Audit

Summary Report

Red font indicates instructions on how to complete the section; *example language is italics*. Example language is not provided in this document for every section of the report. A completed example report is provided in Part IV of this SOP.

NOTE: This template is for a PCA; to use the template for a PCI, change the words “audit” and “auditor” to “inspection” and “inspector,” respectively, and remove Part D, Legal Authority Review, and Attachment B.

Discharger: Facility Name
NPDES Permit No. CAxxxxxxxx
County

Location: Street address. If physical address and mailing address are different, list both and identify

Contact: List primary contacts from the POTW that took part in the PCA; include each contact’s name and title

Audit Dates: Month, Day, Year

Audited By: List all participants and identify affiliation (State, EPA, Contractor)

Attachments

- Attachment A Industrial User Site Visit Data Sheets
- Attachment B Legal Authority Review Checklist [*This Attachment is for PCAs only*]
- Attachment X [Name of Industry] Discharge Permit (if the only document you need to reference to support findings is the industrial user permit, use this format.)
- Attachment X Nondomestic Discharger Information: [Name of Industry] (If you have sample data, an inspection report, permit application, enforcement correspondence, etc., that is necessary to support one of your findings, then use this 2nd option. Name each document as X-1, X-2, They don't have to be listed individually here, but would need to provide each with the report. This would include any documentation from the file review necessary to support report findings: discharge permit, SMRs, enforcement documentation, etc.)

Note that the ICIS/WENDB and RNC worksheets completed as part of the PCA or PCI should not be forwarded to the POTW as part of the report.

I. Audit Summary

The intent of this section is to give a very general summary of the activities that occurred. It should be limited to the identification of the audit/inspection team, the POTW contact, and a list of facilities for which file reviews and site visits were conducted. In addition, you can use this section to denote when the last PCI or PCA was conducted.

Upon arrival, Water Board/Regional Water Board auditors [insert auditor(s) name] (Audit Team), met with the City of [insert POTW name] (City's) contact, (insert name of POTW contact). The Audit Team discussed the purpose and format of the audit and interviewed the City representative about the City's pretreatment program. The Audit Team also evaluated [Remove this statement for a PCI] the City's procedures, enforcement response plan, and legal authority. [Note that Audit or Auditor would be replaced with Inspection or Inspector for PCIs. For site visits, it's imperative to distinguish between the City inspector and State inspector.]

As part of the audit, the Audit Team reviewed the following files:

- *Industry A (categorical industrial user [CIU] subject to 40 CFR 469.18 and 433.17)*
- *Industry B (Non-categorical significant industrial user [SIU])*

The Audit Team conducted inspections at the following SIUs:

- *Industry A (CIU subject to 40 CFR 469.18 and 433.17)*
- *Industry B (Non-categorical SIU)*

The last review of the City's pretreatment program was a pretreatment compliance audit (PCA) performed on May 25-26, 2016.

II. Program Description

This section is used to provide a summary of the POTW's program. Include information on the size of the wastewater treatment facility, treatment provided, population serviced, and general numbers of CIUs and SIUs (detailed breakdown is covered in the Section III). Use this section to discuss on-going or recent violations and the current status toward resolution.

The City owns and operates the [insert name] Wastewater Treatment Plant [WWTP] which serves a population of approximately 55,000. The City implements the pretreatment program that regulates 7 SIUs in the City of [insert name] and [insert name of contributing agency/agencies if applicable]. At the time of the PCA, the City's pretreatment program was being managed by the Chemist at the WWTP. The City was looking to hire a Water Resources Technician, the position intended to manage the City's pretreatment program, which had been vacant since October 2016.

The WWTP's design capacity is 5 million gallons per day (MGD) and the average influent flow to the WWTP is between 2.5 and 3 MGD. The WWTP provides secondary treatment which consists of a grit removal system, denitrification, an oxidation ditch, three clarifiers, ultraviolet disinfection, and a secondary equalization tank. The biosolids are hauled offsite by [insert company name].

The City violated its NPDES permit in 2017 by exceeding its un-ionized ammonia discharge limit. The violation was traced back to probes that were not properly calibrated and was not caused by nondomestic dischargers.

III. Industrial User (IU) Characterization

Use this section to quantify the industrial dischargers subject to regulation by the City. Note that zero-discharging CIUs are not included in the set of SIUs. While the discharge permits should specify for these facilities which regulation they are governed by, they should not be included in the reported total of SIUs.

IUs currently identified by the Control Authority (CA)	IU Type	
7	Discharging Significant Industrial Users	
	6	Discharging Non-Categorical SIUs (as defined by the CA)
	1	Categorical Industrial Users (CIUs)
	0	Middle Tier CIUs
0	Zero-Discharging CIUs	
0	Non-significant CIU (NSCIU)	
0	Other Regulated IUs (e.g. permitted IUs) Describe: This could include groundwater remediation sites, food service establishments (FSEs), etc.	
2	Waste Haulers Describe: List types of hauled waste the POTW allows. [<i>septage, grease, recreational vehicle, leachate, etc.</i>]	

IV. Findings Summary Table

This Section lists specific requirements and recommendations from the various questions addressed in Section V. By referencing the specific subsection, as shown here ('C.4.a'), the reader knows where to go in the report to get more detail about a specific requirement or recommendation. The columns to the right identify the finding by number, as they appear in the report. You will see in the sample report that the Requirements are numbered separately from the Recommendations.

Part V Section Reference – Finding	Requirement(s)	Recommendation(s)
C.4.a - <i>The David's Pinot Vineyard permit does not include the 24-hour notification of violation and resampling requirement.</i>	1	
C.4.b - <i>The Raytheon permit does not include the applicable federal pretreatment category.</i>	2	1
D.2.b - <i>The SUO does not adequately define "significant noncompliance".</i>		2

V. Evaluation

This Section is a concise version of the information documented in the PCA/PCI checklist while on-site. Instructions on how to complete the PCA checklist can be found at the link provided in Part I of this document. Where a deficiency has been identified, the writer should include the Finding (see example in Section C.4 a below), any applicable regulatory citation, the identification of Requirement or Recommendation, and any corrective action necessary. Please note inclusion of a regulatory citation is mandatory for deficiencies identified as Requirements, but not for Recommendations.

The following sections describe program deficiencies and areas of concern identified during the audit process along with requirements, recommendations, and associated references to 40 CFR Part 403.

A. Control Authority (CA) Pretreatment Program Modification

1. When was the last program modification? Did the CA notify the EPA of program modifications? (40 CFR 403.18)

B. IU Characterization

1. Describe the CA's procedure for identifying and locating IUs that might be subject to the pretreatment program. Has the CA identified and located all applicable IUs (non-categorical SIUs, CIUs, NSCIUs, etc.)? (40 CFR 403.8(f)(2)(i))
2. Has the CA identified the character and volume of pollutants contributed to the publicly owned treatment works (POTW) by IUs subject to the pretreatment program? (40 CFR 403.8(f)(2)(ii))

The City appears to have adequate knowledge regarding the character and volume of pollutants discharged to the WWTP by industrial users currently regulated by the City. The City is conducting annual inspections and sampling at its SIUs.

- 3. Has the CA prepared and maintained a list of SIUs, as defined in 403.3(v)(1), along with the applicable SIU criteria? Does the list indicate whether the CA has made a determination that an SIU is a NSCIU, as defined in 403.3(v)(2), rather than an SIU? Have modifications to the list been submitted with annual reports?**

(40 CFR 403.8(f)(6))

Yes, the City maintains a current list of SIUs which is included in the annual pretreatment program report submitted to the Approval Authority. The list includes the SIU name, address, SIU permit number and expiration date, compliance status, last inspection date, and last monitoring date.

The City had not classified any nondomestic dischargers in the service area as NSCIUs at the time of the audit.

C. Control Mechanism Evaluation

- 1. Has the CA issued individual or general control mechanisms to all SIUs?**

(40 CFR 403.8(f)(1)(iii))

- 2. Do the applications for general control mechanism contain all of the following?**

(40 CFR 403.8(f)(1)(iii)(A)(2))

- a. Contact info**
- b. Production processes**
- c. Types of wastes generated**
- d. Location for monitoring**
- e. Any request for waiver for pollutants not present per 40 CFR 403.12(e)(2)**

- 3. Are general control mechanisms only issued for IUs where all of the following is true?**

(40 CFR 403.8(f)(1)(iii)(A)(1))

- a. Involve same/substantially similar types of operations**
- b. Discharge the same type of waste**
- c. Same effluent limitations**
- d. Same or similar monitoring**
- e. There are no CIU production-based standards, CIU mass limits, combined wastestream formula, or net/gross calculations**

- 4. Do both individual and general control mechanisms include the following, where applicable?**

(40 C.F.R. §403.8(f)(1)(iii)(B))

- a. Statement of duration (5 years max)
- b. Statement of non-transferability
- c. Applicable effluent limits (local limits, categorical standards, best management practices (BMPs))
- d. Self-monitoring requirements
 - Identification of pollutants to be monitored
 - Sampling frequency
 - Sampling locations/discharge points
 - Appropriate sample types
 - Reporting requirements
 - Record-keeping requirements
- e. Statement of applicable civil and criminal penalties
- f. Compliance schedules
- g. Notice of slug loading or potential problems at POTW
- h. Notification of spills, bypasses, upsets, etc.
- i. Notification of significant change in discharge
- j. 24-hour notification of effluent violation
- k. Submit resampling results within 30-days
- l. Slug discharge control plan requirement, if required by POTW
- m. Certification statements
- n. Sampling/analysis requirements (Part 136 or alternative)
- o. Reporting of additional sampling
- p. 90-day compliance report

Finding C.4.a – The David’s Pinot Vineyard permit does not include the 24-hour notification of violation and resampling requirement.

Regulatory Requirements

The federal regulations at 40 CFR 403.8(g)(2) require the permit to include the requirement for SIUs to notify the control authority within 24 hours of becoming aware of violations and to resample and submit results within 30 days of becoming aware of the violation.

Requirement 1

The City is required to revise the David’s Pinot Vineyard permit to include the 24-hour notification and resampling requirement.

Finding C.4.b – The Raytheon permit does not include the applicable federal pretreatment category.

The Raytheon permit indicates that the facility is subject to 40 CFR 469.18 and 433.17. However, based on the processes conducted at the facility, the applicable pretreatment category is only 40 CFR 469.18. The processes regulated under 40 CFR 433.17 do not apply to the facility because the metal finishing operations occurring at the facility are integral to the process regulated under 40 CFR 469.18 occurring at the facility.

Regulatory Requirements

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) require permits to include effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law.

The federal regulations at 40 CFR 433.10(b) indicate that if a facility is subject to the electrical and electronic components categorical pretreatment standards and the other categories listed under 40 CFR 433.10(b), then the 40 CFR Part 433 limits will not apply.

Requirement 2

The City is required to revise the Raytheon permit to indicate the federal pretreatment category and standards applicable to the facility.

Recommendation 1

The Audit Team recommends that the City continue to monitor for the 433.17-regulated parameters to ensure that Raytheon is compliant with the City's local limits for those pollutants of concern.

D. Legal Authority [For a PCI report, delete Section D, and rename Sections E-H as D-G]

- 1. Does the SUO provide the control authority adequate legal authority, consistent with 40 CFR 403.8(f)(1)?**
- 2. Are there any contributing jurisdictions discharging wastewater to the POTW? Does the CA have an agreement in place that addresses pretreatment program responsibilities?**
- 3. What is the control authority's definition of SNC?**
(40 CFR 403.8(f)(2)(viii))

E. Application of Pretreatment Standards and Requirements

- 1. Does the CA apply all applicable pretreatment standards?**
(40 CFR 403.8(f)(1)(ii) and 403.8(5))
- 2. Has the CA evaluated the need for SIUs to develop slug discharge control plans?**
(40 CFR 403.8(f)(2)(vi))

F. Compliance Monitoring

- 1. Has the CA inspected and independently sampled each SIU at least once a year? Middle tier CIUs at least once every two years? Sample once during term of CIU control mechanism if CIU sampling waived for pollutants not present?**
(40 CFR 403.8(f)(2)(v), 403.12(e)(2), 403.12(e)(2))

<p>2. Has the CA used proper sampling and analysis procedures (40 CFR Part 136) and inspection procedures? Were the procedures done with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions? (40 CFR 403.8(f)(2)(v) and (vii), 40 CFR 403.12(g)(5))</p>
<p>3. Has the CA kept records for three years including the following?</p> <ul style="list-style-type: none"> a. Period compliance reports and other reports/notices b. All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results c. BMP compliance documentation d. Other monitoring records <p>(40 CFR 403.12(o))</p>
<p>4. Has the CA evaluated, at least once per year, whether NSCIUs continue to meet the criteria of an NSCIU? (40 CFR 403.8(f)(2)(v)(b), 403.3(v)(2))</p>
<p>5. Has the CA required, received, and analyzed reports and other notices from SIUs?</p> <ul style="list-style-type: none"> a. Self-monitoring reports b. BMRs and 90-day compliance reports c. Compliance schedules reports d. Notice of slug loading or potential problems at POTW e. Notification of spills, bypasses, upsets, etc. f. Notification of significant change in discharge g. 24-hour notification of effluent violation h. Resampling results within 30-days i. Other reports/notifications required by the CA <p>(40 CFR 403.8(f)(2)(iv))</p>
<p>6. Have SIUs monitored to demonstrate continued compliance and re-sampled after violation(s)? (40 CFR 403.12(g)(1) & (2))</p>
<p>7. Has the CA ensured CIUs report on all regulated pollutants at least once every 6 months? (40 CFR 403.12(e)(1) & (g)(1))</p>
<p>8. Has the CA ensured non-categorical SIUs self-monitor and report at least once every 6 months with a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority?</p>

(40 CFR 403.12(h) & (g)(1))
9. Has the CA required self-monitoring reports from CIUs to be signed and certified? (40 CFR 403.12(b)(6), 403.12(l))
10. Has the CA received notification of hazardous waste discharges? (40 CFR 403.12(j) & (p))
11. Does the CA accept electronic reporting? (40 CFR 403.8(g) and 40 CFR Part 3)
G. Enforcement
1. Has the CA implemented its enforcement response plan (ERP)? (40 CFR 403.8(f)(5))
2. Does the City's ERP contain the minimum elements required by 40 CFR 403.8(f)(5)?
3. Does the CA evaluate both numeric and narrative criteria for significant non-compliance (SNC) and annually publish a list of IUs in SNC? (40 CFR 403.8(f)(2)(viii))
3a. Were any SIUs in SNC in the past year? Include name of industry, type of SNC, and current compliance status.
4. Has the CA developed IU compliance schedules? (40 CFR 403.8(f)(1)(iv)(A))
5. Has the CA ensured CIU compliance within 3 years of standards effective date (or less than 3 years where required by standard)? (40 CFR 403.6(b))
6. Has the CA ensured CIUs submit complete baseline monitoring reports and 90-day compliance reports within the required time frames? (40 CFR 403.12(b) & (d))
H. Additional Evaluations <i>[This section is intended to be a catch-all for misc. findings that don't fit well anywhere else in the template. For example, information on hauled waste is often included in this section.]</i>

1. Hauled Waste

If the POTW is accepting hauled wastes, describe the types of wastes accepted, determine the discharge point(s), how these wastes are controlled (permit, manned discharge station, manifests, periodically sampling, etc.), and whether the POTW has experienced any problems that can be traced back to a hauled waste discharge. If not accepting hauled wastes, does the POTW conduct any sort of surveillance/follow-up to determine where these wastes are being disposed (to ensure no illegal discharge to sewer)?

Focus Topics

Focus topics change from year to year. In recent years focus topics have included fats, oils, and grease (FOG) programs, overflows, dental programs, industrial laundries, and pharmaceutical take-back programs. For 2018, EPA is focusing on food processing facilities. The intent is to have a discussion with the POTW on specific subjects to determine if new or revised regulations are needed. Use this section to gather information on the specific Focus Topics identified by EPA Region 9 or developed internally.

Only list the Focus Topics that are applicable to the POTW being audited/inspected. If they do not have a pharmaceutical take-back program, for example, eliminate this paragraph. Only address the industrial laundry use, or awareness, of EPA's Safe Detergent Stewardship Initiative, if the POTW actually has an industrial laundry.

Attachment A

The industrial user site visit form attached is just one example of many that are used across the country to document findings during a walk-through of an industrial user's facility. While specific findings from the site visit may also be covered in other areas of the report, it is important to document those findings in the site visit form as it should reflect any issues identified at the time of the actual site visit.

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry:					
Address of industry:					
Date of visit:		Time of visit: Recommend documentation of both start and end times.			
Name of inspector(s): Include the auditor as well as any other State Inspector and City representatives accompanying the auditor on the site visit.					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title		Phone/Email	
<i>John Doe</i>		<i>Winemaker</i>		<i>Not provided.</i>	
IU Permit Number:		Exp. Date:		IU Classification:	
Please provide the following documentation:					
1. Nature of operation:					
2. Number of employees		Number of shifts:		Hours of operation:	
3. Wastestream flow(s) discharged to the POTW:					
Sanitary:		Process:		gpd	Combined: ed.
4. Describe any current or planned significant changes in process or flow: State when the changes were implemented.					
5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed):					
Continuous flow		Batch		Combined	
6. Process area description (identify raw materials and processes used): Include as much detail as necessary to accurately describe the processes in place at the time of the site visit. This site visit write-up can then be used as a tool to insure accuracy during permit renewal.					
7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage):					
Any floor drains?		Any spill control measures?			
8. Are hazardous wastes drummed and labeled?					
9. Does the IU have hazardous waste manifests?					
10. Solid waste production and disposal:					
11. Description of sample location and methods:					
Notes:					
Use this section to discuss any additional findings not specifically addressed in the site visit form or to expand on the write-up for questions in the site visit form. List specific recommendations and requirements identified as a result of the site visit in this section.					

Attachment A

Example PCA report

Pretreatment Compliance Audit

Summary Report

Discharger: City of Lompoc
NPDES Permit No. CA0048127
Santa Barbara County

Location: 1801 West Central Avenue, Lompoc, CA, 93438

Contact: Julie Moore, Chemist

Audit Dates: December 7, 2017

Audited By: Chuck Durham, PG Environmental
Sirese Jacobson, PG Environmental

Attachments

Attachment A Industrial User Site Visit Data Sheets
Attachment B Legal Authority Review Checklist

I. Audit Summary

Upon arrival, EPA contractors Chuck Durham and Sirese Jacobson (Audit Team), met with the City of Lompoc's (City's) contact, Julie Moore (City representative). The Audit Team discussed the purpose and format of the audit and interviewed the City representative about the City's pretreatment program. The Audit Team also evaluated the City's procedures, enforcement response plan, and legal authority.

As part of the audit, the Audit Team reviewed the following files:

- Raytheon Vision Systems (Raytheon; categorical industrial user [CIU] subject to 40 CFR 469.18 and 433.17) *
- David's Pinot Vineyard (Non-categorical significant industrial user [SIU])

The Audit Team conducted inspections at the following SIUs:

- Raytheon Vision Systems (CIU subject to 40 CFR 469.18 and 433.17)
- David's Pinot Vineyard (Non-categorical SIU)

The last review of the City's pretreatment program was a pretreatment compliance audit (PCA) performed on May 25-26, 2016.

* The Raytheon permit indicates that the facility is subject to the pretreatment standards at both 40 CFR 469.18 and 433.17. However, based on the on-going process at the facility, Raytheon should only be subject to the federal pretreatment standards at 469.18 because the metal finishing operations at the facility are integral to the 40 CFR 469.18-regulated processes.

II. Program Description

The City owns and operates the Lompoc Regional Wastewater Reclamation Plant which serves a population of approximately 55,000. The City implements the pretreatment program that provides service to the City of Lompoc, Vandenberg Air Force Base (VAFB), and Vandenberg Village Community Services District (Village). At the time of the PCA, the City's pretreatment program was being managed by the Chemist at the WWTP. The City was looking to hire a Water Resources Technician, the position intended to manage the City's pretreatment program, which had been empty since October 2016.

The WWTP's design capacity is 5 million gallons per day (MGD) and the average influent flow to the WWTP is between 2.5 and 3 MGD. The WWTP provides secondary treatment which consists of a grit removal system, denitrification, an oxidation ditch, three clarifiers, ultraviolet disinfection, and a secondary equalization tank. The biosolids are hauled offsite by Liberty Composting, Inc.

The City violated its NPDES permit in 2017 for violations of its un-ionized ammonia discharge limit. The cause of the violation was traced back to probes that were not properly calibrated and was not caused by nondomestic dischargers.

III. Industrial User (IU) Characterization		
IUs currently identified by the Control Authority (CA)	IU Type	
7	Discharging Significant Industrial Users	
	6	Discharging Non-Categorical SIUs (as defined by the CA)
	1	Categorical Industrial Users (CIUs)
	0	Middle Tier CIUs
0	Zero-Discharging CIUs	
0	Non-significant CIU (NSCIU)	
0	Other Regulated IUs (e.g. permitted IUs) Describe: The City does not issue permits to any additional IUs.	
2	Waste Haulers Describe: The City accepts hauled chemical toilet waste from two haulers. The City does not accept hauled grease waste at the WWTP.	

IV. Findings Summary Table		
Part V Section Reference – Finding	Requirement(s)	Recommendation(s)
C.4.a - The David's Pinot Vineyard permit does not include the 24-hour notification of violation and resampling requirement.	1	
C.4.b - The Raytheon permit does not include the applicable federal pretreatment category.	2	1
C.4.c - Both permits reviewed were missing the requirement for notification the permittee to notify the City of changes affecting the potential for a slug discharge.	3	
C.4.d - The Raytheon permit is missing the bypass notification requirements.	4	
D.2.a - Section 13.16.030 of the City's SUO does not define "new source" or "best management practices (BMPs)".	5	
D.2.b - The SUO does not adequately define "significant noncompliance".		2
D.2.c - The SUO does not adequately define "slug load".		3
D.2.d - The SUO does not adequately include all specific prohibitions.	6	
D.2.e - The City's SUO does not provide the authority to deny or condition new or increased contributions to the WWTP.	7	
D.2.f - The SUO does not provide legal authority to include slug discharge control plan requirements in SIU permits.	8	
D.2.g - Section 13.16.170(A) of the City's SUO uses the term "baseline report" which may be confused with the baseline reports required for CIUs by 40 CFR 403.12(b).		4

D.2.h - The SUO does not require industrial users to submit compliance schedule progress reports.	9	
D.2.i - The SUO does not require CIUs to submit periodic reports.	10	
D.2.j - The SUO does not require noncategorical SIUs to submit periodic reports.	11	
D.2.k - The SUO does not require SIUs to immediately notify the City of potential problems, including slug loads.	12	
D.2.l - The SUO does not require users to notify the City of changes affecting the potential for a slug discharge.	13	
D.2.m - The SUO does not include the requirement for industrial users to notify the City of a violation, nor does it contain the resampling requirements.	14	
D.2.n - The SUO does not require samples to be representative of the discharge.	15	
D.2.o - While the SUO does stipulate that IUs must properly notify the City, in writing, of a hazardous waste discharge, it fails to specify the required items for inclusion in the notification.	16	
D.2.p - The SUO does not require industrial users to certify that the data submitted is accurate with a signature from an authorized representative.	17	
D.2.q - The SUO does not require that the user retain records for at least three years.	18	
D.2.r - The SUO does not require the user to submit all monitoring data.	19	
D.2.s - The SUO does not provide the City the legal authority to enforce its ERP.	20	
E.2 - The City has not evaluated all SIUs for the need to develop slug discharge control plans.	21	
F.1 - The City is not collecting samples at the proper location for all permitted SIUs.	22	
F.11 - The City is accepting required reports that do not contain wet-ink signatures.	23	
G.1 - The City failed to implement its ERP.	24	
G.2.a - The City's ERP does not contain all of the minimum elements required by 40 CFR 403.8(f)(5).	25	
G.2.b - The ERP and SUO contain conflicting penalty amounts.	26	
Attachment A: David's Pinot Vineyard Site Visit - The facility's self-monitoring sampling is not representative of the facility's discharge.		5
Attachment A: David's Pinot Vineyard Site Visit - The auditors observed a container of potassium hydroxide		6

stored adjacent to a container of peracetic acid with no secondary containment.		
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V. Evaluation

The Audit Team discussed the following topics regarding the City's pretreatment program with the City representative. The Audit Team also reviewed SIU files to assess the retention and maintenance of required program documents and to generally evaluate overall program implementation. The following sections describe program deficiencies and areas of concern identified during the audit process along with requirements, recommendations, and associated references to 40 CFR Part 403.

A. Control Authority (CA) Pretreatment Program Modification

1. When was the last program modification? Did the CA notify the EPA of program modifications? (40 CFR 403.18)

The City has not significantly modified its pretreatment program since the last evaluation of the program in May 2016. As stated in the 2016 PCI report, the City has not yet revised its sewer use ordinance (SUO) to include all of the required streamlining rule provisions. According to the City representative, the City is planning on conducting a local limits evaluation along with the renewal of the City's NPDES permit which expires in January 2018. The City plans to use a third-party contractor to conduct the local limits evaluation.

B. IU Characterization

1. Describe the CA's procedure for identifying and locating IUs that might be subject to the pretreatment program. Has the CA identified and located all applicable IUs (non-categorical SIUs, CIUs, NSCIUs, etc.)? (40 CFR 403.8(f)(2)(i))

According to the City representative, the City requires new businesses applying for permits to also complete a baseline monitoring report. In addition, the City's collection system informs the pretreatment staff of new industrial users in the service area. The Village periodically submits a list of permitted businesses to the City. The City representative also has access to water usage records from City Hall to determine changes in water usage at existing industrial users. The City's efforts appear to be adequate for locating and identifying SIUs subject to the pretreatment program.

2. Has the CA identified the character and volume of pollutants contributed to the publicly owned treatment works (POTW) by IUs subject to the pretreatment program? (40 CFR 403.8(f)(2)(ii))

The City appears to have adequate knowledge regarding the character and volume of pollutants discharged to the WWTP by industrial users currently regulated by the City. The City is conducting annual inspections and sampling at its SIUs.

3. Has the CA prepared and maintained a list of SIUs, as defined in 403.3(v)(1), along with the applicable SIU criteria? Does the list indicate whether the CA has made a determination

that an SIU is a NSCIU, as defined in 403.3(v)(2), rather than an SIU? Have modifications to the list been submitted with annual reports?
(40 CFR 403.8(f)(6))

Yes, the City maintains a current list of SIUs which is included in the annual pretreatment program report submitted to the Approval Authority. The list includes the SIU name, address, SIU permit number and expiration date, compliance status, last inspection date, and last monitoring date.

The City had not classified any nondomestic dischargers in the service area as NSCIUs at the time of the audit.

C. Control Mechanism Evaluation

1. Has the CA issued individual or general control mechanisms to all SIUs?
(40 CFR 403.8(f)(1)(iii))

All SIUs whose files were reviewed during the audit had been issued an individual permit and all permits were current. The City did not issue general permits at the time of the audit.

According to the City representative, VAFB may have an underground storage tank on the property. The Audit Team recommends that the City follow up with VAFB to determine whether the property has an underground storage tank onsite and if a permit should be issued to regulate any nondomestic discharge.

2. Do the applications for general control mechanism contain all of the following?
(40 CFR 403.8(f)(1)(iii)(A)(2))

- a. Contact info**
- b. Production processes**
- c. Types of wastes generated**
- d. Location for monitoring**
- e. Any request for waiver for pollutants not present per 40 CFR 403.12(e)(2)**

Not applicable (N/A). The City does not issue general control mechanisms.

3. Are general control mechanisms only issued for IUs where all of the following is true?
(40 CFR 403.8(f)(1)(iii)(A)(1))

- a. Involve same/substantially similar types of operations**
- b. Discharge the same type of waste**
- c. Same effluent limitations**
- d. Same or similar monitoring**
- e. There are no CIU production-based standards, CIU mass limits, combined wastestream formula, or net/gross calculations**

N/A. The City does not issue general control mechanisms.

**4. Do both individual and general control mechanisms include the following, where applicable?
(40 C.F.R. §403.8(f)(1)(iii)(B))**

- a. Statement of duration (5 years max)
- b. Statement of non-transferability
- c. Applicable effluent limits (local limits, categorical standards, best management practices (BMPs))
- d. Self-monitoring requirements
 - Identification of pollutants to be monitored
 - Sampling frequency
 - Sampling locations/discharge points
 - Appropriate sample types
 - Reporting requirements
 - Record-keeping requirements
- e. Statement of applicable civil and criminal penalties
- f. Compliance schedules
- g. Notice of slug loading or potential problems at POTW
- h. Notification of spills, bypasses, upsets, etc.
- i. Notification of significant change in discharge
- j. 24-hour notification of effluent violation
- k. Submit resampling results within 30-days
- l. Slug discharge control plan requirement, if required by POTW
- m. Certification statements
- n. Sampling/analysis requirements (Part 136 or alternative)
- o. Reporting of additional sampling
- p. 90-day compliance report

The Audit Team reviewed files, including applicable permits, for two SIUs.

- 1. Raytheon Vision Systems - CIU subject to 40 CFR 469.18 and 433.17*
- 2. David's Pinot Vineyard – Noncategorical SIU

Many, but not all, of the above permit elements were included in the permits. Findings regarding permit conditions are listed below.

The City does not issue general control mechanisms.

* Raytheon is classified as a CIU subject to the pretreatment standards at both 40 CFR 469.18 and 433.17. However, based on the processes performed at the facility, Raytheon should only be subject to the pretreatment standards at 40 CFR 469.18 because the metal finishing operations at the facility are integral to the 40 CFR 469.18-regulated processes.

Finding C.4.a – The David's Pinot Vineyard permit does not include the 24-hour notification of violation and resampling requirement.

Regulatory Requirements

The federal regulations at 40 CFR 403.8(g)(2) requires the permit to include the requirement for SIUs to notify the control authority within 24 hours of becoming aware of violations and to resample and submit

results within 30 days of becoming aware of the violation.

Requirement 1

The City is required to revise the David's Pinot Vineyard permit to include the 24-hour notification and resampling requirement.

Finding C.4.b – The Raytheon permit does not include the applicable federal pretreatment category.

The Raytheon permit indicates that the facility is subject to 40 CFR 469.18 and 433.17. However, based on the processes conducted at the facility, the applicable pretreatment category is only 40 CFR 469.18. The processes regulated under 40 CFR 433.17 do not apply to the facility because the metal finishing operations occurring at the facility are integral to the process regulated under 40 CFR 469.18 occurring at the facility.

Regulatory Requirements

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) require permits to include effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law.

The federal regulations at 40 CFR 433.10(b) indicate that if a facility is subject to the electrical and electronic components categorical pretreatment standards and the other categories listed under 40 CFR 433.10(b), then the 40 CFR Part 433 limits will not apply.

Requirement 2

The City is required to revise the Raytheon permit to indicate the federal pretreatment category and standards applicable to the facility.

Recommendation 1

The Audit Team recommends that the City continue to monitor for the 433.17-regulated parameters to ensure that Raytheon is compliant with the City's local limits for those pollutants of concern.

Finding C.4.c – Both permits reviewed were missing the requirement for notification the permittee to notify the City of changes affecting the potential for a slug discharge.

Regulatory Requirements

40 C.F.R. §403.8(f)(2)(vi) requires SIUs to notify the City of any changes affecting the facility's potential to have a slug discharge.

Requirement 3

The City is required to revise the permits to require the permittees to notify the City within 24 hours of becoming aware of a violation and to resample and submit results to the City within 30 days of becoming aware of the violation.

Finding C.4.d – The Raytheon permit is missing the bypass notification requirements.

Regulatory Requirements

The federal regulations at 40 CFR 403.17(c)(1) requires an industrial user to notify the control authority at least ten days before an anticipated bypass.

The federal regulations at 40 CFR 403.17(c)(2) requires that, in the event of an unanticipated bypass, the industrial user must notify the control authority within 24 hours from the time the industrial user becomes aware of the bypass. In addition, “written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.”

As defined at 403.17(a), a bypass is, “the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.”

Requirement 4

The City is required to revise the Raytheon permit to include the bypass notification requirements.

D. Legal Authority

1. Has the CA amended its pretreatment program to include the streamlining provisions?

No. EPA promulgated changes to the general pretreatment regulations on October 13, 2005, referred to as the “streamlining rule.” Based on the SUO available onsite, the City had not yet adopted all of the required streamlining provisions, as indicated in the legal authority findings in Section D.2.

2. Does the SUO provide the control authority adequate legal authority, consistent with 40 CFR 403.8(f)(1)?

As a component of this PCA, the Audit Team compared the SUO with the provisions of 40 CFR Part 403. The following deficiencies and inconsistencies were observed with the SUO.

Finding D.2.a – Section 13.16.030 of the City’s SUO does not define “new source” or “best management practices (BMPs)”.

Regulatory Requirement

40 CFR 403.3(m) defines *new source* as,

“(1) any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards

are thereafter promulgated in accordance with that section, provided that:

- (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (m)(1)(ii) or (m)(1)(iii) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.”

40 CFR 403.3(e) defines *BMP* as, “Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plan site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.”

Requirement 5

The City is required to update its SUO to define these terms as defined in 40 CFR 403.3.

Finding D.2.b – The SUO does not adequately define “significant noncompliance”.

The SNC definition in the City’s SUO specifies that SNC is calculated for exceedances of “daily

maximum limit or the average limit”. However, the SUO specifies that the local limits are “maximum daily average” and “instantaneous maximum” limits. Therefore, the City would not have the legal authority to put a SIU in SNC for exceedances of instantaneous limits that meet the City’s definition of SNC.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(2)(viii) define SNC as a “violation [that] meets one or more of the following criteria:

- (A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.”

Recommendation 2

The Audit Team recommends that the City revise the definition of SNC in its SUO to indicate that SNC is calculated for exceedances of permit limits and to not specify the types of limit to ensure that

the City is not limited in evaluating SNC.

Finding D.2.c –The SUO does not adequately define “slug load”.

The City’s SUO defines slug load as, “Discharge of wastewater which in concentration of any pollutant or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times its average concentration or flow, on a normal workday, said average being calculated over a two-week period. As to quantity of flow, this definition shall apply to discharges greater than 10,000 gal/d; or [w]illful discharge of concentrated incompatible pollutants in a manner or method that is not approved by the Director.”

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(2)(vi) defines slug discharge as, “any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions.”

Recommendation 3

The Audit Team recommends that the City revise the definition of “slug load” in the City’s SUO to mirror the definition found at 40 CFR 403.8(f)(2)(vi).

Finding D.2.d –The SUO does not adequately include all specific prohibitions.

Section 13.16.250 of the City’s SUO prohibits the discharge of liquids, “...having a closed cup flashpoint of less than 140 degrees Fahrenheit (65 degrees Celsius) ...” The conversion of 140 degrees Fahrenheit would be 60 degrees Celsius, not 65 degrees).

Regulatory Requirement

The federal regulations at 40 CFR 403.5(b)(1) prohibits the introduction of the following to the POTW: “Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.”

Requirement 6

The City is required to revise the specific prohibition at section 13.16.250(A) of the SUO to change 65 degrees C to 60 degrees C.

Finding D.2.e – The City’s SUO does not provide the authority to deny or condition new or increased contributions to the WWTP.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(i) requires the control authority to have the legal authority to, “[d]eny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit.”

Requirement 7

The City is required to revise the SUO to allow the City to deny or condition new or increased contributions to the WWTP.

Finding D.2.f – The SUO does not provide legal authority to include slug discharge control plan requirements in SIU permits.

According to section 13.16.250(F), slug loads are prohibited; however, the SUO does not provide authority to include slug discharge control plan requirements in IU permits.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(6) requires control mechanisms to contain, “[r]equirements to control Slug Discharges, if determined by the POTW to be necessary.”

Requirement 8

The City is required to revise the SUO to allow the City to include slug discharge control plan requirements in SIU permits.

Finding D.2.g – Section 13.16.170(A) of the City’s SUO uses the term “baseline report” which may be confused with the baseline reports required for CIUs by 40 CFR 403.12(b).

Section 13.16.170(A), titled *Applications*, of the City’s SUO refers to wastewater discharge permit applications as “baseline reports”. This section appears to be the application requirements for all industrial users. The term “baseline report” is typically used to refer to applications submitted by CIUs.

Regulatory Requirements

N/A

Recommendation 4

The Audit Team recommends removing the term “baseline report” from Section 13.16.170(A) because it may be confused with baseline monitoring report for CIUs.

Finding D.2.h – The SUO does not require industrial users to submit compliance schedule progress reports.

Section 13.16.170(A)(1)(f) includes requirements for compliance schedules, but does not requires submittal of a compliance schedule progress report.

Regulatory Requirements

The federal regulations at 40 CFR 403.12(c)(3) require that, “ [n]ot later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.”

Requirement 9

The City is required to revise its SUO to require users to submit compliance schedule progress reports, pursuant to 40 CFR 403.12(c).

Finding D.2.i – The SUO does not require CIUs to submit periodic reports.**Regulatory Requirement**

The federal regulations at 40 CFR 403.12(e) require industrial users subject to categorical pretreatment standards to submit periodic reports on continued compliance.

Requirement 10

The City is required to revise the SUO to require CIUs to submit periodic reports.

Finding D.2.j – The SUO does not require noncategorical SIUs to submit periodic reports.**Regulatory Requirement**

The federal regulations at 40 CFR 403.12(h) states, “Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority.”

Requirement 11

The City is required to revise the SUO to require noncategorical SIUs to submit periodic reports.

Finding D.2.k – The SUO does not require SIUs to immediately notify the City of potential problems, including slug loads.**Regulatory Requirement**

The federal regulations at 40 CFR 403.12(f) require that, “[a]ll categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by §403.5(b), by the Industrial User.”

Requirement 12

The City is required to revise the SUO to require SIUs to notify the City immediately of potential problems, include slug loads.

Finding D.2.l – The SUO does not require users to notify the City of changes affecting the potential for a slug discharge.**Regulatory Requirement**

The federal regulations at 40 CFR 403.8(f)(2)(vi) requires SIUs to, “notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.”

Requirement 13

The City is required to revise the SUO to include the requirements for users to notify the City of changes affecting the potential for a slug discharge.

Finding D.2.m – The SUO does not include the requirement for industrial users to notify the City of a violation, nor does it contain the resampling requirements.

Regulatory Requirement

The federal regulations at 40 CFR 403.12(g)(2) requires “[i]f sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis.”

Requirement 14

The City is required to revise the SUO to require SIUs to notify the City within 24 hours of becoming aware of a violation and to repeat the sampling and analysis and submit the report to the City within 30 days of becoming aware of the violation.

Finding D.2.n – The SUO does not require samples to be representative of the discharge.

Regulatory Requirements

The federal regulations at 40 CFR 403.12(g)(3) require that periodic reports, “...be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period.”

Requirement 15

The City is required to revise the SUO to specify that all wastewater samples must be representative of the facility’s discharge.

Finding D.2.o – While the SUO does stipulate that IUs must properly notify the City, in writing, of a hazardous waste discharge, it fails to specify the required items for inclusion in the notification.

Regulatory Requirements

The federal regulations at 40 CFR 403.12(p)(1) require SIUs to notify the control authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of any discharge into the POTW of “any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous

constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.”

Requirement 16

The City is required to revise the SUO to include the notification of hazardous waste discharge reporting, as stated at 40 CFR 403.12(p)(1).

Finding D.2.p – The SUO does not require industrial users to certify that the data submitted is accurate with a signature from an authorized representative.

Regulatory Requirements

The federal regulations at 40 CFR 403.12(l)(1) require that required reports, “...include the certification statement as set forth in §403.6(a)(2)(ii), and shall be signed by an authorized representative.

The federal regulations at 40 CFR 403.6(a)(20(ii) contains the required certification statement, as follows,

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Requirement 17

The City is required to revise the SUO to include the certification statement requirement for reporting.

Finding D.2.q – The SUO does not require that the user retain records for at least three years.

Regulatory Requirement

The federal regulations at 40 CFR 403.12(o)(1) requires that, [a]ny Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

- (ii) The dates analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical techniques/methods use; and
- (v) The results of such analyses.”

The federal regulations at 40 CFR 403.12(o)(2) requires that, “Any Industrial User or POTW subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.”

Requirement 18

The City is required to revise the SUO to specify that records must be retained for at least three years.

Finding D.2.r – The SUO does not require the user to submit all monitoring data.

The SUO does not require submission of all monitoring data, including monitoring conducted more frequently than required at the designated sample point and according to the appropriate procedures.

Regulatory Requirement

The federal regulations at 40 CFR 403.12(g)(6) requires that if an SIU monitors any pollutant more frequently than required by the control authority at the appropriate sampling location, using the procedures at 40 CFR Part 136, the SIU must submit the results of this monitoring to the control authority.

Requirement 19

The City is required to revise the SUO to include the requirement to submit all monitoring data, if sampling is performed more frequently than required at the designated sampling point, using EPA approved methods.

Finding D.2.s – The SUO does not provide the City the legal authority to enforce its ERP.

Regulatory Requirements

The federal regulations at 40 CFR 403.8(f)(5) require that the POTW, “develop and implement an enforcement response plan.”

Requirement 20

The City is required to revise its SUO to provide the legal authority to implement its ERP.

3. Are there any contributing jurisdictions discharging wastewater to the POTW? Does the CA have an agreement in place that addresses pretreatment program responsibilities?

Yes, the City has two contributing jurisdictions. The City has a multijurisdictional agreement (MJA) with the Village. The wastewater received from the Village is primarily from residential areas with only a very few commercial facilities. Currently there are no SIUs in the Village.

The City also has a MJA with VAFB, but it was not reviewed as part of this PCA.

4. What is the control authority's definition of SNC?
(40 CFR 403.8(f)(2)(viii))

The City's definition of SNC is stated below:

"As defined at Section 13.16.030.B of the City's SUO, significant noncompliance means, "means any IU violations which meet one or more of the following criteria:

- a. Violations of wastewater discharge limits:
 - i. Chronic violations. 66 percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period,
 - ii. Technical Review Criteria (TRC) violations. 33 percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period,
 - iii. Any other violation(s) of a discharge limit that the director believes has caused, alone or in conjunction with other discharges, interference or pass-through; or endangered the health of the general public or employees of the wastewater system,
 - iv. Any discharge that has caused imminent endangerment to the general public or the environment, resulting in the exercise of emergency authority in accordance with Section 3374B;
- b. Violations of permit compliance schedule milestones by 90 days or more after the schedule date;
- c. Failure to provide reports for compliance schedules or self-monitoring data, or any other reports required by this Chapter or established as a permit requirement, by 30 days or more from the due date;
- d. Failure to accurately report noncompliance;
- e. Any other violation(s) the Director considers to be significant."

E. Application of Pretreatment Standards and Requirements

1. Does the CA apply all applicable pretreatment standards?
(40 CFR 403.8(f)(1)(ii) and 403.8(5))

No. The Raytheon permit specifies that the facility's processes are subject to the pretreatment standards at both 40 CFR 469.18 and 433.17. However, based on the facility's ongoing processes, the facility is only subject to 40 CFR 469.18 because the metal finishing operations at the facility are integral to the 40 CFR 469.18-regulated processes.

2. Has the CA evaluated the need for SIUs to develop slug discharge control plans?
(40 CFR 403.8(f)(2)(vi))

Finding E.2 – The City has not evaluated all SIUs for the need to develop slug discharge control

plans.

The Raytheon file reviewed during the PCA did not include documentation that an evaluation of the facility's need for a slug discharge control plan had occurred.

The City's inspection form for the compliance inspection of David's Pinot Vineyard conducted on November 9, 2016, indicates that a slug discharge control plan is not needed at the facility.

The City representative was not aware of how many SIUs are required to have a slug discharge control plan.

Regulatory Requirements

40 C.F.R. §403.8(f)(2)(vi) requires control authorities to evaluate each SIU for the need to develop a slug control plan. Furthermore, "[f]or Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User."

40 C.F.R. §403.8(f)(2)(vi) defines a slug discharge. "For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions."

40 C.F.R. §403.8(f)(2)(vi) contains requirements with respect to slug control plans.

Requirement 21

The City is required to ensure that all SIUs have been evaluated for the need to develop a slug discharge control plan. If the SIU is required to have a slug discharge control plan, the City is required to revise the SIU's permit to include this requirement.

F. Compliance Monitoring

- 1. Has the CA inspected and independently sampled each SIU at least once a year? Middle tier CIUs at least once every two years? Sample once during term of CIU control mechanism if CIU sampling waived for pollutants not present?**
(40 CFR 403.8(f)(2)(v), 403.12(e)(2), 403.12(e)(2))

Based on the SIU files reviewed, the City has been conducting inspections and sampling at least once per year. However, the Audit Team observed some deficiencies in the City's sampling procedures, described below.

The City has not classified any SIUs as middle-tier CIUs, nor has it issued sampling waivers for pollutants not present.

Finding F.1 – The City is not collecting samples at the proper location for all permitted SIUs.

The City requires Raytheon to collect composite samples at the end of process sampling location. However, the City is collecting grab samples at the end of pipe sampling location. The City should be

conducting sampling independently, but at the same locations that are required of the facility, and using 40 CFR 136 approved methods, in order to properly assess compliance.

Regulatory Requirements

The federal regulations at 40 CFR 403.8(f)(2)(v) require POTWs to “randomly sample and analyze effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards.”

Requirement 22

The City is required to conduct compliance sampling as necessary to assess compliance with the pretreatment standards and regulations applicable to Raytheon.

- 2. Has the CA used proper sampling and analysis procedures (40 CFR Part 136) and inspection procedures? Were the procedures done with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions?**
(40 CFR 403.8(f)(2)(v) and (vii), 40 CFR 403.12(g)(5))

In general, the City appears to be using proper sampling procedures and using 40 CFR Part 136 methods. However, the Audit Team observed the following deficiencies in the City’s sampling and analysis procedures. With the exception described in Section F.1 of the report, the City appears to be using proper sampling procedures and meeting 40 CFR Part 136 methods.

- 3. Has the CA kept records for three years including the following?**
- e. Period compliance reports and other reports/notices**
 - f. All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results**
 - g. BMP compliance documentation**
 - h. Other monitoring records**
- (40 CFR 403.12(o))

Based on the files reviewed, the City maintains records for at least three years. According to the City representative, records are kept indefinitely.

- 4. Has the CA evaluated, at least once per year, whether NSCIUs continue to meet the criteria of an NSCIU?**
(40 CFR 403.8(f)(2)(v)(b), 403.3(v)(2))

N/A. The City has not permitted nondomestic dischargers as NSCIUs nor has it adopted the authority to do so.

5. Has the CA required, received, and analyzed reports and other notices from SIUs?

- a. Self-monitoring reports
- b. BMRs and 90-day compliance reports
- c. Compliance schedules reports
- d. Notice of slug loading or potential problems at POTW
- e. Notification of spills, bypasses, upsets, etc.
- f. Notification of significant change in discharge
- g. 24-hour notification of effluent violation
- h. Resampling results within 30-days
- i. Other reports/notifications required by the CA
(40 CFR 403.8(f)(2)(iv))

Based on the files reviewed during the audit, the City has been requiring, receiving, and analyzing required reports, but the analysis is lacking, as discussed in Section F.6, below.

6. Have SIUs monitored to demonstrate continued compliance and re-sampled after violation(s)?

(40 CFR 403.12(g)(1) & (2))

No. Based on the file review, the City issued a NOV to David's Pinot Vineyard on December 6, 2016 as a result of pH violations observed during the City's compliance monitoring events on November 29 and 30, 2016. The file reviewed did not contain documentation that the facility submitted resampling results to the City in response to this NOV. The file also did not contain documentation that the City took enforcement action for failure to submit a required report (see Finding G.1).

7. Has the CA ensured CIUs report on all regulated pollutants at least once every 6 months?

(40 CFR 403.12(e)(1) & (g)(1))

Based on the CIU file reviewed during the audit, the CIU has reported on regulated pollutants at least once every six months.

8. Has the CA ensured non-categorical SIUs self-monitor and report at least once every 6 months with a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority?

(40 CFR 403.12(h) & (g)(1))

Yes, based on the SIU file reviewed, the City was ensuring non-categorical SIUs self-monitor and report at least once every 6 months.

9. Has the CA required self-monitoring reports from CIUs to be signed and certified?

(40 CFR 403.12(b)(6), 403.12(l))

Yes. Based on the CIU file reviewed, the CIU has submitted self-monitoring reports that were signed and certified.

10. Has the CA received notification of hazardous waste discharges?

(40 CFR 403.12(j) & (p))

Based on the SIU files reviewed during the audit, no hazardous waste discharge notifications were received, nor was there an indication that such notifications should have been received.

11. Does the CA accept electronic reporting?
(40 CFR 403.8(g) and 40 CFR Part 3)

No.

Finding F.11- The City is accepting required reports that do not contain wet-ink signatures.

According to the City representative, the City allows its SIUs to submit electronic reports to meet deadlines, but requires the SIUs to follow up with delivery of a hard copy. However, the hard copy self-monitoring reports submitted by David's Pinot Vineyard did not include wet-ink signatures.

Regulatory Requirements

The federal regulations at 40 CFR 403.8(f)(2)(iv) require control authorities to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with self-monitoring requirements in 40 CFR 403.12.

The federal regulations at 40 CFR 403.8(g) specify that only control authorities that meet the requirements at 40 CFR Part 3, the Cross-Media Electronic Reporting Rule (CROMERR), are allowed to accept electronic reports.

Requirement 23

The City is required to receive hard copies of reports containing a wet-ink signature from its SIUs. The City is reminded that it must receive hard copies of all reports unless it receives EPA approval to accept electronic reporting under the CROMERR.

G. Enforcement

1. Has the CA implemented its enforcement response plan (ERP)?
(40 CFR 403.8(f)(5))

No. Based on the SIU files reviewed, it appears the City has not been implementing its approved ERP, as described below.

Finding G.1 –The City failed to implement its ERP.

As noted in Section F.6 above, the City failed to issue a NOV to David's Pinot Vineyard for failure to resample and submit results in response to a pH violation that occurred during the City's November 29-30, 2016 compliance sampling and noted in a NOV sent to the facility on December 6, 2016.

While the City failed to comply with the ERP in issuing a NOV within the specified time frame, upon notification of this deficiency via communication following the audit, the City representative indicated that the City would address this violation as part of a separate NOV she was preparing to send to David's Pinot Vineyard for another violation identified during the audit.

Regulatory Requirement

40 C.F.R. §403.8(f)(5) requires the City to develop and implement an ERP.

40 C.F.R. §403.8(f)(1) requires the City to implement its legal authority.

Requirement 24

The City is required to take enforcement action according to its ERP.

2. Does the City's ERP contain the minimum elements required by 40 CFR 403.8(f)(5)?

As a component of the audit, the Audit Team reviewed the City's ERP and identified the following deficiencies:

Finding G.2.a– The City's ERP does not contain all of the minimum elements required by 40 CFR 403.8(f)(5).

The City's ERP does not describe how the City will investigate instances of noncompliance.

Regulatory Requirement

40 C.F.R. §403.8(f)(5) requires the City to develop and implement an ERP that describes, "how the POTW will investigate instances of noncompliance."

Requirement 25

The City is required to revise the ERP to include a description of how the City will investigate instances of noncompliance.

Finding G.2.b– The ERP and SUO contain conflicting penalty amounts.

The language in the ERP regarding the civil penalty amounts is not consistent with the civil penalty amounts listed in the City's sewer use ordinance.

The City's ERP include civil penalty amounts and states, "[i]n accordance with Section 309(d) of the Act, any user who violates this Chapter may also be liable in a sum not to exceed \$25,000 per day in which such violation occurs (33 USC 1319)."

The City's SUO states the following regarding civil penalties, "[i]n accordance with Section 303(d) of the Act, any user who violates this Chapter may also be liable in a sum not to exceed \$25,000 per day in which such violation occurs (33 USC 1319)."

Regulatory Requirements

The federal regulations at 40 CFR 403.8(f)(1)(vi)(A) states that the control authority shall have the legal authority to, "[o]btain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement... All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements."

Requirement 26

The City is required to revise the ERP to ensure that the language regarding civil and criminal penalties is in agreement with the language included in the SUO.

**3. Does the CA evaluate both numeric and narrative criteria for significant non-compliance (SNC) and annually publish a list of IUs in SNC?
(40 CFR 403.8(f)(2)(viii))**

Yes. The City uses the federal definition of SNC.

3a. Were any SIUs in SNC in the past year? Include name of industry, type of SNC, and current compliance status.

During the interview, the City representative was unsure whether there were any SIUs in SNC during 2016 or 2017. Based on a review of the City's 2016 Annual Report, there were no SIUs in SNC in 2016. The most recent SNC publication that could be located was published in the *Lompoc Record* on January 29, 2015.

However, according to City representatives, six of the City's seven SIUs (all except David's Pinot Vineyard) were in 100% compliance with all pretreatment standards and requirements for 2016 and 2017.

**4. Has the CA developed IU compliance schedules?
(40 CFR 403.8(f)(1)(iv)(A))**

Yes. The City utilized a compliance schedule to correct noncompliance issues at Culligan Water Conditioning.

**5. Has the CA ensured CIU compliance within 3 years of standards effective date (or less than 3 years where required by standard)?
(40 CFR 403.6(b))**

N/A. No new CIU regulations have been promulgated in the last three years.

**6. Has the CA ensured CIUs submit complete baseline monitoring reports and 90-day compliance reports within the required time frames?
(40 CFR 403.12(b) & (d))**

N/A. No new CIU regulations have been promulgated in the last three years.

H. Additional Evaluations

1. Hauled Waste

The City accepts portable toilet waste from two haulers. The hauled waste is discharged directly to the headworks of the WWTP. Hauled waste is discharged at a designated discharge point. The haulers sign in at the WWTP office and detail the size of the truck on the sign-in form. Haulers are only

allowed to discharge during normal business hours. The City conducted a pilot study program to test the hauled waste to ensure that the WWTP could accept it; however, the City no longer samples waste from its two waste haulers. The City does not accept grease waste.

Focus Topics

As a component of the audit, the Audit Team discussed the following focus topics with the City representative.

Pharmaceuticals Recovery

As part of the Operation Medicine Cabinet program, one collection location is in front of the County Sheriff's office in the City of Lompoc. The location accepts unwanted household medications. The program is for household medications only, which includes prescription and over-the-counter drugs.

Dental Mercury

The City had not yet conducted a dental survey at the time of the PCA.

The EPA promulgated pretreatment standards for dental offices on June 14, 2017; these standards can be found at 40 C.F.R. Part 441. The rule became effective on July 14, 2017. The rule specifies that dental facilities are not considered SIUs or CIUs; therefore, POTWs are not required to permit or inspect dental facilities, but may choose to do so. However, 40 CFR 403.8(f)(2)(b)(i) requires control authorities to identify and locate all industrial users which includes dental facilities. According to the rule, control authorities must receive the one-time certification report from dental facilities and ensure that dental facilities are implementing BMPs. Information on this rule can be viewed at <https://www.epa.gov/eg/dental-effluent-guidelines>.

Fats, Oils, and Grease (FOG)

According to the City representative, there are approximately 35 food service establishments (FSEs) in the City's service area. The previous pretreatment coordinator, who left the City in February 2016, had been begun FOG outreach to the community.

Attachment A

Industrial User Site Visit Data Sheets

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